

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**ADRIAN L. JACKSON,**

Petitioner,

V.

**STEPHEN D. MOTE,**

Respondent.

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Civil No. **03-540-JPG**

**ORDER**

**PROUD, Magistrate Judge:**

Petitioner has filed a “Motion to Appeal,” which the Clerk of Court construed as a notice of appeal, in turn causing this action to be stayed. **(Doc. 54)**. Petitioner’s “Motion to Appeal” is actually a notice informing the Court that his appeal was ruled on November 4, 2004. Additional documentation has been produced confirming that the Appellate Court of Illinois, Fifth District, affirmed the circuit court’s dismissal of the post-conviction petition without an evidentiary hearing based on the insufficiency of the petition. **(Doc. 55, Ex. 59-63)**.

**IT IS THEREFORE ORDERED** that the Clerk of Court shall lift the stay and have the record reflect that petitioner’s “Motion to Appeal” **(Doc. 54)** is actually a “notice” regarding the status of his state court post-conviction petition.

**IT IS SO ORDERED.**

**DATED: August 9, 2005**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**